

REMARKS

This Reply to Election of Species Requirement to the Office Action mailed March 26, 2004 is being filed within the one month shortened statutory period for reply.

In the Office Action, the Examiner required applicant to elect a single disclosed species from Claims 1 and 2 under 35 U.S.C. §121. In response to the Election Requirement, applicant hereby elects to prosecute homeopathic preparation of purified insulin-like growth factor-1 (IGF-1) from Claim 1. Claim 1 has been amended to remove references to non-elected species, without prejudice to the applicant's ability to prosecute these or related species in subsequent applications and without disclaimer of the subject matter. Claims 10, 11, and 13 been amended to recite purified insulin-like growth factor-1. Claim 14 has been amended to recite a composition of claim 1, additionally comprising a homeopathic potency of a substance selected from the group consisting of: a fibroblast growth factor (FGF), a platelet-derived growth factor (PDGF), an interleukin-1, an interleukin-2, and a hepatocyte growth factor. The substances recited in Claim 14 are drawn to subject matter previously recited in Claim 1. Claims 16-20 have been newly added and are readable upon the elected insulin-like growth factor-1 (IGF-1) from Claim 1. It is submitted that support for new Claims 16-18 may be found on page 19, lines 11-14 of the specification as originally filed; support for new Claim 19 may be found on page 19, lines 22-24 of the specification, and support for new Claim 20 may be found on page 11, lines 17-18 of the specification. The claim amendments and claim additions are not made for any reason related to patentability but, rather, to recite the elected invention, and to recite subject matter previously set out in the specification as filed.

Applicant respectfully traverses the Examiner's requirement to elect a single disclosed species from Claim 2. Under 37 C.F.R. §1.141, more than one species of an invention, not exceeding a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim. As mentioned above, Claim 1 has been amended to recite a composition comprising a homeopathic preparation of purified insulin-like growth factor-1 (IGF-1). The amendment therefore renders Claim 1 an allowable generic claim, which includes no material element additional to the recited purified IGF-1 in the claim. All the claims

to the species recited in Claim 2 are written in dependent form and depend on Claim 1. Accordingly, Claim 1 now reads on each of the species recited in Claim 2 and that Claim 2 contains all the limitations of Claim 1.

Applicant respectfully submits that Claim 2 is drawn to species in addition to the elected species from Claim 1 and that the Election Requirement of Claim 2 under 35 U.S.C. §121 should be properly withdrawn.

Favorable consideration of the pending claims and newly added claims is respectfully requested. Claims 1-20 are pending in the application, with Claim 1 being in independent format. It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel. Early examination and favorable consideration of the pending claims is requested.

Respectfully submitted,

By: 
Victor N. King
Registration No. 55,963

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SPECKMAN LAW GROUP PLLC

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